

SA2003RF0052

SchoolCrosswalk.org

4848 San Felipe Rd. #150-161
San Jose, CA 95135

October 21, 2003

Tricia Knight
Initiative Coordinator
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

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OCT 28 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Knight,

Please prepare Title and Summary of the attached California Initiative.

Sincerely,

Glen Wetzel, proponent
gw@schoolcrosswalk.org

I, **Glen Wetzel**, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this 21 day of October, 2003

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Initiative Measure to Be Submitted Directly to the Voters

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

[Insert title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear in Roman boldface type not smaller than 12-point.]

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of Santa Clara County, hereby propose amendments to Education Code relating to Double Fines for Traffic Violations in School Zones and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. This initiative measure amends and adds sections to the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in italic type to indicate that they are new. The proposed statutory amendment (full title and text) to read as follows:

SECTION 1. This act shall be known, and may be cited, as the "Double Fines For Traffic Violations in School Zones."

SECTION 2. The people find and declare all of the following:

- (a) Streets within school zones have a high density of young pedestrians during times of arrival and departure.
- (b) Streets within school zones are likely to have increased vehicle traffic during times of arrival and departure.
- (c) Children below the age of 11 are known to lack the skills to safely navigate street traffic on their own.
- (d) Streets adjacent to elementary schools are areas in which children below the age of 11 are likely to be temporarily separated from any responsible Parent or Guardian during times of school arrival and departure.
- (e) Other states have concluded the need and enacted double fines for traffic violations in school zones.
- (f) Cities and Counties are the most appropriate jurisdiction to determine whether double fines are needed in their local school zones.
- (g) Existing California State Law limits the establishment of double fines to within a few specific counties.

SECTION 3. Therefore the people enhance section 42011 of the Vehicle Code so that all Cities and Counties may optionally enact double fines for traffic offenses in their school zones.

SECTION 4. Section 42011 of the Vehicle Code is amended to read:

42011. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle under either of the following conditions, the fine in a misdemeanor case shall be double the base amount otherwise prescribed, not including any penalty assessments or other fees or additions, and in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310, not including any penalty assessments or other fees or additions:

(1) When passing a school building or the grounds thereof, if the building or grounds are contiguous to a highway and posted with a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone, and children are going to or leaving the school either during school hours or during the noon recess period.

(2) When passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children, and the highway is posted with a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone.

(b) A violation of any of the following provisions is an offense that is subject to subdivision (a):

(1) Article 3 (commencing with Section 21450) of Chapter 2 of Division 11, relating to obedience to traffic devices.

(2) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(3) Chapter 4 (commencing with Section 21800) of Division 11, relating to yielding the right-of-way.

(4) Chapter 6 (commencing with Section 22100) of Division 11, relating to turning and stopping and turn signals.

(5) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(6) Chapter 8 (commencing with Section 22450) of Division 11, relating to special traffic stops.

(7) Section 23103, relating to reckless driving.

(8) Section 23104, relating to reckless driving which results in bodily injury to another.

(9) Section 23109, relating to speed contests.

(10) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(11) Section 23153, relating to driving under the influence of alcohol or a controlled substance, which results in bodily injury to another.

(12) Section 23220, relating to drinking while driving.

(13) Section 23221, relating to drinking in a motor vehicle while on the highway.

(14) Section 23222, relating to driving while possessing marijuana or an open alcoholic beverage container.

(15) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(16) Section 23224, relating to being a driver or passenger under the age of 21 years possessing an open alcoholic beverage container.

(17) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(18) Section 22500, relating to being a passenger in a vehicle in which there is an

open alcoholic beverage container.

(c) (1) This section applies only in ~~Alameda County, Santa Barbara County, Ventura County, or in a city in any of these counties, and only if that jurisdiction a city or county that~~ has adopted this section by a vote of the city council or county board of supervisors, as appropriate.

(2) The increased fines authorized by subdivision (a) may only be imposed and collected once per offense or notwithstanding the fact that the offense occurred within more than one jurisdiction all of which have adopted this section. Furthermore, no increased fine shall be imposed if an increased fine is imposed under Section 42009 or 42010 because the offense occurred within a highway construction or maintenance area or safety enhancement area.

(d) Any city or county that adopts this section shall promptly notify the California Highway Patrol and the law enforcement agency having the primary traffic investigative authority of that fact.

~~(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.~~

SECTION 5. Section 45452 of the Education Code is amended to read:

45452. (a) ~~The County of Alameda, the County of Santa Barbara, the County of Ventura, or any city within any of these counties, in collaboration with local school districts within those jurisdictions, A city, county, or school district~~ may establish a school pedestrian-bicyclist safety program and receive funds from a special account in the county treasury established pursuant to Section 1463.21 of the Penal Code if those funds are used to fund programs that enhance the safety of students traveling to and from school on foot or by bicycle. Any funds obtained by a city or county from this source are to supplement any funds already expended by that agency for pedestrian or bicycle safety programs and may not be used to supplant any existing expenditures for those purposes.

(b) If a program is established pursuant to subdivision (a) and the services of a law enforcement agency are requested by the program administrator, those services shall be provided by the law enforcement agency having primary traffic investigative authority.

~~(c) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.~~